



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

The principle upon which these cases rest is that, when one contracts with a railroad company with reference to matters wherein the general public is interested, the contract is made subject to the superior rights of the general public; and when the exigencies of the business of the company are such that the rights of the public conflict with those of the contracting party, it is presumed that it was the intention of the parties that the private rights should yield to the superior rights of the public. It is only where the railroad company can show that superior rights of the public have intervened that it may escape performance, when the contract is otherwise capable of being specifically enforced. See *Taylor v. Florida East Coast R. R. Co.*, *supra*; *Texas & Pacific R. R. Co. v. Marshall*, *supra*; *Conger v. New York, W. S. & B. Ry. Co.*, *supra*.

TAXATION—ILLEGAL APPROPRIATION—TAXPAYERS' RIGHT TO INJUNCTION.—A state legislature passed an act making appropriations for the salaries of various state officers. The plaintiff, as a private citizen and taxpayer, filed a bill to enjoin the state treasurer from paying out any of the state funds in pursuance of the act, alleging the act to be unconstitutional. *Held*, the injunction is granted. *Fergus v. Russel* (Ill.), 110 N. E. 130. See NOTES, p. 382.

TORTS—INTERFERENCE WITH BUSINESS OR OCCUPATION—JUSTIFICATION.—The defendant, by threats and other means not unlawful in themselves, prevented the plaintiff from obtaining boarders and caused others to cease dealing with her. The defendant's acts were prompted by spite and ill-will toward plaintiff and without any reasonable expectation of benefit to himself. As a result of these acts the plaintiff's business was ruined. *Held*, such intentional interference with the plaintiff's business without justifiable cause is an actionable wrong. *Hutton v. Watters* (Tenn.), 179 S. W. 134. See NOTES, p. 385.

WILLS—WITNESSING IN TESTATOR'S PRESENCE—BLIND TESTATOR.—The testator, who was blind, duly executed a will. After he had signed the will, the witnesses attested it by subscribing their names thereto, on a table about four feet from the bed where the testator lay. *Held*, the attestation was in the presence of the testator. *In re Allred's Will* (N. C.), 86 S. E. 1047.

Practically all of the state statutes require that a will, to be valid, must be attested by witnesses in the presence of the testator. Here, the word presence involves two ideas: mental cognition of the act of attestation and physical proximity to its accomplishment. See PAGE, WILLS, 229.

Primarily, the testator must be mentally cognizant of what is being done. *Heatherington v. Pipes*, 32 Miss. 451; *Orndorf v. Hummer*, 12 B. Mon. (Ky.) 619; *Healey v. Bartlett*, 73 N. H. 110, 59 Atl. 617, 6 Ann. Cas. 413. When the testator is mentally cognizant of the act, however, but does not take notice of it, and he is not prevented from taking notice by physical infirmities, the attestation is in his presence.